

Ser. No.: 10/526,423
Art Unit: 3676
Amendment and Reply dated March 15, 2007
In Response to Office Action of December 19, 2006

Atty. Docket No.: 6400-0042WOUS

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REMARKS

Claims 7 and 9-11 were pending and examined. In the current Office Action, Claims 7 and 9-11 were rejected under 35 U.S.C. §103(a), no claims were objected to and no claims were allowed. Claims 1-6 and 8 have been previously canceled.

By this Amendment and Reply, Claim 7 and 9-11 are amended, no claims are canceled and Claims 12-15 are added. Accordingly, Claims 7 and 9-15 are presented for further examination. Favorable reconsideration of this application in light of the above-identified amendments and following discussion is respectfully requested.

Prior Art Rejections:

The Examiner rejects Claims 7 and 10 under 35 U.S.C. §103(a) as allegedly being unpatentable over European Patent Document No. EP 1 227 448 (EP '448) in view of Malia (U.S. Patent No. 3,086,830); Claim 9 is rejected as allegedly being unpatentable over EP '448 in view of Malia as applied to Claim 7, and further in view of Craven et al. (U.S. Patent No. 5,143,430); and Claim 11 is rejected as allegedly being unpatentable over EP '448 in view of Malia as applied to Claim 7, and further in view of Fumanelli (U.S. Patent No. 5,787,819). These rejections are respectfully disagreed with, and are traversed below.

Applicant submits that the arguments and remarks made previously are repeated and incorporated by reference herein and, in particular, the descriptions of EP '448, Craven et al. and Fumanelli.

As previously argued, EP '448 discloses a drop safe 10 including a housing defining an interior bill acceptor portion 14 and 16 and a cashbox portion 26 and 28, a lockable first door 18 connected to the housing for accessing the bill acceptor portion, and a lockable second door 20 connected to the housing for accessing the cashbox portion. The first door 18 includes cut-out sections 26 and 28 for permitting access to the bill acceptor portions 14 and 16. In an implementation (FIG. 2), the first door 18' covers the second door 20' when the first door is in a closed position. A first lock 19' operates the first door 18' and a second lock 21' operates the second door 20'. The first door 18' and second door 20' utilize a same hinge element 24. As shown in FIG. 2 of EP '448, the first, outer door 18' overlaps the second,

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inner door 20' such that "the second door assembly cannot even be accessed unless the first door assembly 18' is unlocked and opened as shown." See EP '448 at paragraph [0018].

The Examiner alleges, in summary, that EP '448 discloses a safe comprising substantially all of the limitations as recited in Claim 7; except that "EP '448 fails to teach the use of a single lock mechanism for both the inner and outer doors." To cure this deficiency, the Examiner turns to Malia.

Firstly, Applicant respectfully submits that there are other limitations recited in Claim 7 as filed and as now written that are not described or suggested by EP '448. For example, the present invention teaches and claims two locking mechanisms, each separately locking an inner safe door and an outer safe door, respectively. Moreover, the present invention teaches and claims a safe lock (now recited as a safe lock lever), mounted on an outer surface of the outer door and actuating both the two locking mechanism together and the outer lock mechanism individually. Accordingly, EP '448 is not seen to disclose substantially all of the limitations of Claim 7, except for a single locking mechanism, as alleged by the Examiner.

Turning to the proposed combination, Malia is merely seen to describe a compartmentalized refrigerator having at least three separate storage compartments 10, 12 and 14. Malia discloses that by actuating a double-acting handle 16-17, the refrigerator permits the selective opening of one, two or three of the compartments 10, 12 and 14. See Malia at Column 3, lines 18-23 (incorporated below).

As Malia is directed to a refrigerator, Malia is not seen to expressly or implicitly disclose or suggest a locking mechanism at all, let alone a locking mechanism for a safe. Rather, Malia discloses a double-acting handle 16-17 described specifically in Malia as:

"[a] double-acting handle, 16-17, is provided on section 14; this double-acting handle permits selective opening of section 14 alone, or of section 12 and 14 together from section 10, or of sections 12 and 14 from each and from section 10. Conventional handle and latch means could also be provided, alternatively, in which case a conventional front-mounted handle on section 14 would unlatch section 14 from section 12, while a side-mounted handle on section 12 would serve to unlatch section 12 from section 10.

In the embodiment shown, and assuming all sections closed, pulling upon handle 16 opens section 14 from section 12, exposing the front aspect of section 12, and section 14. Alternatively, pulling upon handle 17 releases section 12 from section 10 (section 14 remaining closed upon the front aspect of section 12), exposing freezer section 10 and the rear aspect of section 12." See Malia at Col. 3, lines 19-35.

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With reference to Malia at Column 3, lines 8-11 and 23-24 and FIGS. 1-3, the Examiner alleges that Malia discloses a door assembly having inner and outer doors (12, 14) and that an innermost door (34) includes cutouts for allowing access to various ones of the compartments. The Examiner also alleges that Malia discloses respective dedicated handle latch/lock mechanism on the inner and outer doors, e.g. a first handle (16) and a latching detent (37) for opening the outer door (14), and a second handle (17), lever arm (36) and latching detent (38) for opening the inner door (12). This characterization of Malia is respectfully disagreed with, and is traversed below.

It is respectfully submitted that Malia describes that its inventive arrangement of separate refrigerator sections is advantageous as more frequent opening of a refrigerator section, e.g., outer section 14, will not cause excessive loss of cool air from the less frequently used freezer sections (e.g., sections 10 and 12). See Malia at Col. 3, lines 4-8. As noted above, Malia is directed to a refrigerator and is not seen to expressly or implicitly disclose or suggest a locking mechanism. Rather, Malia discloses a double-acting handle to support the selective opening of the differing compartments of the refrigerator.

Additionally, Malia discloses louvers or slots in an inner doors or mounting the inner door so as to leave a gap at a bottom or top "in order to provide for regulation of the transfer of cool air from section 10 to section 12." See Malia at col. 3, lines 8-13. It is not seen how the Examiner proposes that the louvers, slots and/or gap somehow discloses allowing access to various parts of the refrigerator. See Office Action, Section 2, lines 7-9, at page 2.

Accordingly, nothing in Malia discloses or suggests a combination of multiple doors and locking mechanism to provide a first level of access to one area and a second level of access to a second area, as is at least contemplated by both the disclosures of the present invention and EP '448. Thus, it is unclear how the Examiner can suggest that one skilled in the relevant art at the time of the invention would look from EP '448 to Malia to reach the scope of Claim 7 as previously filed and as now written. Applicant submits that any argument to the contrary is mere hindsight reconstruction.

However, even assuming, arguendo, that EP '448 and Malia are somehow combined, a point that is not admitted, the proposed combination is still not seen to describe or suggest the present invention as is recited in Claim 7. At most, the proposed combination would

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disclose a drop safe 10 including a housing defining an interior bill acceptor portion (14, 16) and a cashbox portion (26, 28), a lockable first door 18 connected to the housing for accessing the bill acceptor portion, and a lockable second door 20 connected to the housing for accessing the cashbox portion, where the first door 18 includes cut-out sections (26, 28) for permitting access to the bill acceptor portions (14, 16), and in one embodiment, the first door 18' covers the second door 20' when the first door is in a closed position, and where a first lock 19' operates the first door 18' and a second lock 21' operates the second door 20' (EP '448); and by pulling a first handle 16 of a double-acting handle 16-17, the first door 18' may be opened; provided, however, the first lock 19' of the first door 18' is somehow unlocked, and by pulling a second handle 17 of the double-acting handle 16-17 the second handle 17 the second door 20' is released; provided, however, that the second lock 21' is somehow unlocked (Malia). As noted above, the references do not suggest how the double-acting handle would cooperate with the first and second locks 19' and 21', respectively. In fact, Malia, as being directed to a refrigerator, would teach away from locking its respective compartments as the invention appears to provide a mechanism for improving accesses to food stuff placed on various ones of its doors.

Therefore, it is respectfully submitted that it is inappropriate to equate the "double-acting handle 16-17" of Malia with the "safe lock" or more appropriately "safe lock lever" as taught and recited in Claim 7 as filed and as now written.

It is respectfully submitted that while Malia may be seen to describe and suggest a double-acting handle arrangement for selectively releasing a combination of doors, there is nothing in EP '448 and Malia, alone or in the proposed combination, that expressly or implicitly describes or suggests a safe having a single safe lock (e.g., now recited as a safe lock lever) for unlocking two dedicated locking mechanisms of an inner safe door and an outer safe door, respectively.

Accordingly, independent Claim 7 is deemed allowable over the proposed combination of EP '448 and Malia. In that independent Claim 7 is deemed allowable, Claim 10 that depends from and further limits this independent claim, is also deemed allowable.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of Claims 7 and 10, as now written, under 35 U.S.C. §103(a) as being unpatentable over the proposed combination of EP '448 and Malia.

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In Section 3 of the Office Action Claim 9 is rejected as allegedly being unpatentable over EP '448 in view of Malia as applied to Claim 7, and further in view of Craven et al. This rejection is respectfully disagreed with and is traversed below.

The deficiencies of the proposed combination of EP '448 and Malia as applied to Claim 7 is outlined above.

As previously argued Craven et al. are merely seen to disclose a vending machine having two doors (18, 22) that can be opened together. The outer door 18 comprises the face of the machine, while the inner door carries the lighting, control panel elements, etc., that are needed for the face of the machine and which are stored between the doors. The inner door also serves to close the refrigerated compartment of the machine. The doors are held together by a spring latch 12 so that when the outer door is opened, the inner door opens with it to protect the circuitry etc. between them, and to prevent the inner door from banging against the frame of the machine while the doors are open (see Craven et al. at Col. 3, lines 8-28). However, once opened the two doors may easily be separated should access to the control panel elements etc. be desired.

Firstly, Craven et al. are not seen to disclose or suggest subject matter that may cure the above note deficiency in the application of EP '448 and Malia to independent Claim 7 as now written at least since no where is Craven et al. seen to disclose or suggest, inter alia, a safe lock lever mounted to the outer safe door and capable of actuating from the outside of the safe both the outer safe door locking mechanism and the inner safe door locking mechanism on some occasions and actuating only the outer door locking mechanism on other occasions. Moreover, the Examiner suggests that "Craven et al. teach the concept of different employees accessing different parts of the safe, i.e. the refrigerated portion behind the inner door 22 to replace goods and the control panel portion behind the outer door." Applicant respectfully disagrees with this characterization.

It is respectfully submitted that providing a spring latch 12 so that portions of a vending machine door assembly (18, 22) may be opened first together and then separated, is not a "hierarchical entrance lock system" as is suggested by the Examiner. Nowhere is Craven et al. seen to disclose or suggest that access to the refrigerated compartment and/or

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the lighting/control panel elements be limited to selected persons. Once the two doors are opened, anyone can manipulated the spring latch 12 to access the lighting/control elements.

In view of the above, it is respectfully submitted that Claim 9 is patentable over the proposed combination of EP '448 in view of Malia as applied to Claim 7, and further in view of Craven et al. at least since Craven et al. do not teach the selective grant of access to different parts of a safe to different key holders.

Furthermore, Claim 9 depends from and further limits independent Claim 7, which is also deemed allowable of the proposed combination of EP '448 and Malia.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of Claim 9 as allegedly being unpatentable over EP '448 in view of Malia as applied to Claim 7, and further in view of Craven et al.

In Section 4 of the Office Action Claim 11 is rejected as allegedly being unpatentable over EP '448 in view of Malia as applied to Claim 7, and further in view of Fumanelli.

The deficiencies of the proposed combination of EP '448 and Malia as applied to Claim 7 is outlined above.

Fumanelli merely discloses an electronic door lock control means. The substitution of an electronic door lock of Fumanelli for the lock of EP '448 is not seen to disclose or suggest subject matter that may cure the above note deficiency in the application of EP '448 and Malia to independent Claim 7 at least since no where is Fumanelli seen to disclose or suggest, inter alia, a safe lock lever mounted to the outer safe door and capable of actuating from the outside of the safe both the outer safe door locking mechanism and the inner safe door locking mechanism on some occasions and actuating only the outer door locking mechanism on other occasions, as is recited in independent Claim 7 as now written.

In view of the above, it is respectfully submitted that Claim 11 is patentable over the proposed combination of EP '448 in view of Malia as applied to Claim 7, and further in view of Fumanelli at least since Claim 11 depends from and further limits independent Claim 7, which is also deemed allowable.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of Claim 11 as allegedly being unpatentable over EP '448 in view of Malia as applied to Claim 7, and further in view of Fumanelli.

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Newly Added Claims:

As part of this Amendment and Reply Claims 12-15 are added. It is respectfully submitted that, at least in view of the arguments above, the newly added claims are patentable over the cited documents. Support for the new claims may be found in the original disclosure. For example, support for new Claim 12 may be found at least at paragraphs [0014] and [0017] of Substitute Specification and FIGS. 1-3, and support for Claims 13-15 may be found at least at paragraph [0019] of Substitute Specification. Thus, no new matter is presented.

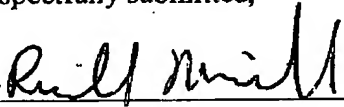
Applicant believes that the foregoing amendments and remarks are fully responsive to the Office Action and that the claims herein are allowable. In view of the foregoing points that distinguish the Applicant's invention from those of the prior art and render the Applicant's invention non-obvious, the Applicant respectfully requests that the Examiner reconsider the present application, remove the rejections, and allow the application to issue.

If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is invited to telephone the undersigned at the numbers provided below.

No fee is believed due with the filing of this Amendment and Reply. However, if a fee is due, Applicant authorizes the payment of any additional charges that may be necessary to maintain the pendency of the present application to the undersigned attorney's Deposit Account No. 503342.

Respectfully submitted,

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